

**REMARKS/ARGUMENTS**

Claims 1-29 were pending in this application at the time the present Office Action was mailed. Claims 1, 10 and 21 have been amended to clarify certain aspects of these claims, and no claims have been cancelled. Accordingly, claims 1-29 remain pending in the present application.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on December 17, 2002 to discuss the present Office Action. In the Office Action, claims 1-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,438,508 to Wyman ("Wyman") in view of applicant's own admission. Without commenting on or conceding the merits of the claim rejections, independent claims 1, 10 and 21 have been amended in accordance with the agreements reached between the Examiner and the undersigned attorney during the December 17 telephone interview.

Claim 1 as amended is directed to a method of distributing software with a computer system that includes, *inter alia*, recording data on a fixed medium in the computer system, providing for transfer of the computer system to a user, and controlling access to the data in the computer system. Access to the data in the computer system is controlled by contacting a party authorized to grant access to the data in response to receiving a first request for access to the data. If the party authorizes access to the data, then the computer system records the authorization and grants a first access to the data based on the recorded authorization. If the computer system receives additional requests for subsequent access to the data, the computer system grants such subsequent access to the data based on the previously recorded authorization.

Independent claims 10 and 21 have been amended in a manner similar to that described above for claim 1. As acknowledged by the Examiner during the telephone interview on December 17, Wyman and applicant's own admission cannot support a Section 103 rejection of independent claims 1, 10 and 21 for at least the reason that none of these references teach or suggest recording an authorization in a computer

system upon which subsequent access to data or a software application can be based. Accordingly, the rejection of claims 1, 10 and 21 should be withdrawn.

Claims 2-9 depend from base claim 1, claims 11-20 depend from base claim 10, and claims 22-29 depend from base claim 21. Accordingly, claims 2-9, 11-20 and 22-29 are allowable for at least the reasons discussed above with regard to the rejection of base claims 1, 10 and 21, and for the additional features of these dependent claims. Therefore, the rejection of claims 2-9, 11-20 and 22-29 should be withdrawn.


### **Conclusion**

In light of the foregoing amendments and remarks, all of the pending claims are in condition for immediate allowance. Applicant, therefore, respectfully requests reconsideration of the application and allowance of all pending claims. If the Examiner wishes to discuss any matter related to this application, the Examiner is encouraged to contact Stephen E. Arnett by telephone at (206) 264-6351 to expediently resolve any such matter.

No fees are believed due with this communication, however, the Commissioner is hereby authorized and requested to charge any deficiency in fees herein to Deposit Account No. 50-0665.

Respectfully submitted,  
Perkins Coie LLP

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Stephen E. Arnett  
Registration No. 47,392

### **Correspondence Address:**

Customer No. 25096  
Perkins Coie LLP  
P.O. Box 1247  
Seattle, Washington 98111-1247  
Phone: (206) 583-8888

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**APPENDIX**

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

1. (Amended) A method of distributing software with a computer system to a user comprising the acts of:

recording data on a fixed medium in the computer system;

providing for transfer of the computer system to the user; and

controlling access to the data in the computer system~~through computer executable code that requires authorization for continued access to the data~~ by:

in response to receiving a first request for access to the data, contacting a party authorized to grant access to the data;

if the party provides authorization to grant access to the data, recording the authorization and granting a first access to the data based on the recorded authorization; and

in response to receiving at least a second request for access to the data, granting a second access to the data based on the recorded authorization.

10. (Amended) A software module used in a computer system operable to provide controlled access to a software application being stored on a fixed medium in the computer system and being distributed with the computer system, the software module operating by:

detecting a first use of the software application on the computer system; ~~and~~

in response to detecting the first use, verifying authority to access the software application ~~by:~~

contacting a party authorized to grant access to the software application;

and

if the party provides authorization to grant access to the software application, recording the authorization;  
granting a first access to the software application based on the recorded authorization;  
detecting at least a second use of the software application on the computer system; and  
in response to detecting the second use, granting a second access to the software application based on the recorded authorization.

21. (Amended) A computer system operable to provide controlled access to a software application stored on a fixed medium in the computer system and distributed with the computer system comprising:

a processor;

a memory coupled to the processor; and

a software module executable on the processor and the memory, the software module being responsive to a first~~the~~ activation of the software application ~~to verify authority to access the software application by:~~  
contacting a party authorized to grant access to the software application;  
and

if the party provides authorization to grant access to the software application, recording the authorization and granting a first access to the software application based on the recorded authorization;

the software module being further responsive to at least a second activation of the software application by granting a second access to the software application based on the recorded authorization.;

~~if authority is verified, then to allow uninterrupted access to the software application; and~~

~~if authority is not verified, then to interrupt access to the software application.~~